

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kaasgaard *et al.* Confirmation No: 7515

Serial No.: 10/519,432 Group Art Unit: 1657

Filed: December 22, 2004 Examiner: Gough

For: MPG Added to Fermentation

DECLARATION OF SVEND KAASGAARD UNDER 37 C.F.R. § 1.132

Sir:

I, Svend Kaasgaard, do hereby declare the following:

- 1) I have read and understand the subject matter of the pending U.S. Patent Application Serial Number 10/519,432, entitled *MPG Added to Fermentation* filed 22 Dec. 2004.
- 2) I am one of the inventors named on the U.S. Patent Application Serial Number: 10/519,432 and the cited art reference to Kaasgaard *et al.* entitled *Carbohydrates and Polyols For Dissolving Crystals* (U.S. Publication No. 2004/0175812).
- 3) I am a science manager at Novozymes in Bagsværd Denmark and am an inventor on various enzyme formulation patents and applications. I routinely work with, among other things, HPLC, crystallization, stability, and formulation of enzymes.
- 4) I have reviewed the Official Action dated 1 November 2007 and the U.S. Publication No. 2004/0175812 reference to Kaasgaard cited therein.
- 5) In my opinion, one of skill in the art would not infer from U.S. Publication No. 2004/0175812 that adding the polyols and/or carbohydrates disclosed therein prior to a recovery step would mean adding the compounds during fermentation. Rather, U.S. Publication No. 2004/0175812 is limited to adding the polyols and carbohydrates disclosed therein prior to the specified recovery steps such as those identified in paragraphs [0045], [0046], [0047], [0048], [0049] and [0050]. Each of these recovery steps occur after fermentation.
- 6) One of skill in the art would not consider adding any of the polyols and/or carbohydrates such as those described in U.S. Publication No. 2004/0175812 during fermentation, as it most often would affect the growth of the microorganisms and the production of the enzyme product negatively. The present invention overcomes this because the polyol and carbohydrate are selected to include only compounds which are not, or only to a low extent, capable of being metabolized by the bacterial fermentation microorganisms.

- 7) In my opinion, the Kaasgaard reference (U.S. Publication No. 2004/0175812) gives no instruction to add the polyols and/or carbohydrates disclosed therein to the fermentation step.

The undersigned declares that all statements made herein of his knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Patent Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 29 April, 2008

Svend Kaasgaard

Svend Kaasgaard